

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

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## CRYSTAL GAIL PILA,

Plaintiff,

CASE No. 3:21-cv-05404

vs.

BRIAN JIMINEZ and "JANE DOE"  
JIMINEZ, husband and wife and the marital  
community comprised thereof; NEW WORLD  
VAN LINES OF CALIFORNIA, a California  
corporation; and NEW WORLD LIMITED,  
L.P., an Illinois corporation.

## Defendants

**NOTICE OF REMOVAL TO FEDERAL  
COURT PURSUANT TO 28 USC §1441 &  
§1446**

*(Clerk's Action Required)*

Defendants Brian Jiminez, New World Van Lines of California, and New World Limited L.P. hereby provide notice of removal pursuant to 28 U.S.C § 1332(a) and (c), § 1441(a), § 1446(a), (b) and (d), and Western District LCR 101(a) and (b). The grounds for removal are as follows:

1. On April 13, 2021, Plaintiff filed a Complaint in the Pierce County Superior Court, entitled *Crystal Pila v. Brian Jiminez, et al.*, Cause No. No. 21-2-05501-1, then asserting claims against diverse and non-diverse defendants.

2. On May 20, 2021, the Court entered an Order dismissing certain defendants

NOTICE OF REMOVAL TO FEDERAL  
COURT – (Cause No. 3:21-cv-05404) - 1  
mg/JS6369 080/3888525x



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pursuant to stipulation of the parties, thereby creating diversity.

3. On May 25, 2021, Plaintiff filed an Amended Summons and Amended Complaint adding two diverse defendants – New World Van Lines of California, and New World Limited L.P.

4. On May 26, 2021, defense counsel appeared and accepted service of the Amended Summons and Amended Complaint on behalf of Defendants New World Van Lines of California, and New World Limited L.P.

5. Pursuant to 28 U.S.C. § 1446(a), copies of the Complaint, Amended Complaint, and all other filings in the Superior Court are attached as Exhibit 2 to Jeff M. Shaih's Declaration.

## **GROUND FOR REMOVAL**

6. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332 because the parties are diverse, the amount in controversy purports to exceed \$75,000.00 and no defendant is a citizen of Washington.

7. Complete diversity jurisdiction exists in that:

- i. Plaintiff is a citizen of the State of Washington.
  - ii. Defendant Brian Jiminez is a citizen of the State of California.
  - iii. Defendant New World Van Lines of California is a California company with its principle place of business in California.
  - iv. Defendant New World Limited L.P. is an Illinois company with its principle place of business in California.

8. This action is properly removed because no named defendant is a citizen of Washington, the state in which Plaintiff brought the action. See 28 U.S.C. § 1441(b).

9. Plaintiff claims personal injuries arising out of a motor vehicle accident that occurred on April 14, 2018 in Pierce County, Washington involving her and Brian Jiminez, who was during all relevant times acting within the course and scope of his employment with Defendant New World Van Lines of California.

10. In response to a Request for Statement of Damages served under RCW 4.28.360, Plaintiff provided notice that she claims economic and non-economic damages in excess of \$75,000.

#### **TIMELINESS OF REMOVAL**

11. This Notice of Removal is timely under 28 U.S.C. § 1446(b). Defendants filed this Notice of Removal within thirty (30) days after acceptance of service of the Amended Complaint by counsel on behalf of the diverse defendants.

## **VENUE AND INTRA-DISTRICT ASSIGNMENT**

12. Venue is proper in this District, pursuant to 28 U.S.C. § 1441(a) because the Complaint was filed and is currently pending in the Pierce County Superior Court of Washington.

13. The Western Division is the proper intra-district assignment for this action upon removal because it is the division that embraces the county where the state court action was pending.

## **CONSENT AND NOTICE**

14. Defendants collectively consent to this removal.

15. Defendants expressly reserve all of defenses and rights, and none of the foregoing shall be construed as in any way conceding the truth of any of Plaintiff's allegations or waiving any of Defendants' defenses.

1 DATED: May 27, 2021.

2 **WILSON SMITH COCHRAN DICKERSON**

4 By: s/ Dylan E. Jackson

5 By: s/ Jeff M. Sbaih

6 By: s/ J.C. Miller

7 Dylan E. Jackson, WSBA No. 29220

8 Jeff M. Sbaih, WSBA No. 51551

9 J.C. Miller, WSBA No. 51932

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16 *Attorneys for Defendants Brian Jiminez, New World Van  
17 Lines of California, and New World Limited L.P.*

**CERTIFICATE OF SERVICE**

The undersigned certifies that under penalty of perjury under the laws of the State of Washington that on the below date I caused to be served the foregoing document on:

**Attorney for Plaintiff**

Mark W. Watson  
THE LAW OFFICE OF MARK W. WATSON, P.S.  
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Tacoma, WA 98405  
Phone: 253-926-8437  
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**SIGNED** this 27<sup>th</sup> day of May, 2021, at Seattle, Washington.

s/ Mark Gockley  
Mark Gockley